1 2 3 4 5	DAVID R. FISCHER, ESQ. Nevada Bar No. 10348 LAW OFFICE OF DAVID R. FISCHER 400 South 4 <sup>th</sup> Street, Suite 500 Las Vegas, Nevada 89101 Telephone: (702) 547-3944 Facsimile: (702) 974-1458 Email: federal@fischerlawlv.com Attorney for Defendant EMMANUEL GARCIA LOPEZ		
6 7	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA		
8			
9	UNITED STATES OF AMERICA,  Plaintiff,	Case No.: 2:18-cr-00180-JCM-VCF	
10	vs.		
11		STIPULATION TO CONTINUE	
12	EMMANUEL GARCIA LOPEZ,	HEARING FOR SENTENCING	
13	Defendant.	(Third Request)	
14	IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich,		
15	United States Attorney, Brandon C. Jaroch, Esq., Assistant United States Attorney, and David		
16	R. Fischer, Esq., counsel for defendant EMMANUEL GARCIA LOPEZ, that the Hearing for		
17	Sentencing in the above-captioned matter set for Monday, April 22, 2019 at 10:00 A.M. be		
18	vacated and continued to a date and time convenient to the Court but no earlier than ninety (90)		
19	days.		
20	This Stipulation for the continuance is entered into for the following reasons:		
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22	1. This is a joint request by counsel for the Government and counsel for the Defendant, EMMANUEL GARCIA LOPEZ;		
23	E.M. MINOLE STROM ESTEL,		
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- 2. The additional time requested by this Stipulation is reasonable pursuant to Federal Rule of Criminal Procedure 32(b)(2), which states that "the court may, for good cause, change any limits prescribed in this rule";
- 3. Both counsel request this additional time in order to allow adequate time to research Sentencing issues and to prepare for the sentencing hearing;
- 4. Counsel communicated with the Defendant, EMMANUEL GARCIA LOPEZ, who is currently in custody at the Nevada Southern Detention Center, and LOPEZ agrees with the continuance;
- 5. This is the third request for a continuance filed herein.

WHEREFORE, for the foregoing reasons, the ends of justice would best be served by a continuance of the Sentencing Hearing to be set to a date and time convenient to the Court but no earlier than ninety (90) days.

DATED this 8th day of April 2019

/s/ Brandon C. Jaroch
BRANDON C. JAROCH, ESQ.
Assistant United States Attorney
Counsel for the United States

/s/ David R. Fischer
DAVID R. FISCHER, ESQ.
Counsel for Defendant LOPEZ

## **CERTIFICATE OF ELECTRONIC SERVICE**

2	I HEREBY CERTIFY that I am an employee or agent of the LAW OFFICE OF DAVII		
3	R. FISCHER and am a person of such age and discretion as to be competent to serve papers and		
4	that, on the 8 <sup>th</sup> day of April 2019, I served a copy of the above and foregoing <b>STIPULATIO</b>		
5	TO CONTINUE SENTENCING HEARING in the following manner(s):		
6	☑ ELECTRONIC SERVICE: Pursuant to Local Rule IC 4-1 of the United States District Court for the Distric		
7	of Nevada, the above-referenced document was electronically filed and served on all appearing partic		
8	through the Notice of Electronic Filing automatically generated by the Court.		
9	☐ UNITED STATES MAIL: By depositing a true and correct copy of the above referenced document into the		
	United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailin		
10	address(es):		
11	Emmanuel Garcia Lopez Nevada Southern Detention Center		
12	2190 East Mesquite Avenue Pahrump, NV 89060		
13	☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above referenced document for		
14	overnight delivery via a nationally-recognized courier, addressed to the parties listed below at their las		
15	known mailing address.		
16	☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the		
17	attached service list at the facsimile numbers set forth thereon.		
18	☐ EMAIL: By sending the above-referenced document via email to those persons at the email addresses se		
19	forth below:		
20			
	<u>/s/ David R Fischer</u> DAVID R. FISCHER, ESQ.  Attorney for Defendant LOPEZ		
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22			

1 2	UNITED STATES DISTRICT COURT DISTRICT OF NEVADA		
3 4	UNITED STATES OF AMERICA, Plaintiff,	Sase No.: 2:18-cr-00180-JCM-VCF	
5 6	$\ \mathbf{v}\mathbf{s}\ $	INDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER	
7 8	EMMANUEL GARCIA LOPEZ,  Defendant.		
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10	FINDINGS OF FACT		
11	Based on the pending Stipulation of counsel, and good cause appearing therefore, the		
12	Court finds that:		
13 14	This is a joint request by counsel for the Government and counsel for the Defendant,		
15	EMMANUEL GARCIA LOPEZ;		
16		Stipulation is reasonable pursuant to Federal	
17	Rule of Criminal Procedure 32(b)(2), which states that "the court may, for good cause, change any limits prescribed in this rule";		
18	3. Both counsel request this additional time in order to allow adequate time to research		
19	Sentencing issues and to prepare for the sentencing hearing;		
20	4. Counsel communicated with the Defendant, EMMANUEL GARCIA LOPEZ, who		
21	with the continuance;	is currently in custody at the Nevada Southern Detention Center, and LOPEZ agrees with the continuance:	
22	<ul><li>5. This is the third request for a continuance filed herein.</li></ul>		
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## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing, taking into account the exercise of due diligence. The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A) considering the factors in Title 18, United States Code, Sections 3161(h)(7)(B)(i) and

3161(h)(7)(B)(iv). 10

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**ORDER** 

IT IS HEREBY ORDERED that the Sentencing Hearing currently scheduled for Monday, April 22, 2019 at 10:00 A.M., be continued to the <sup>23rd</sup> day of July , 2019, at 10:00 a.m., in courtroom 6A

DISTRICT COURT JUDGE

Case No.: 2:18-cr-00180-JCM-VCF

DATED: April 8, 2019

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